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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,575	01/11/2001	Masaaki Ona	Q59273	8354

7590 01/27/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/757,575	ONA, MASA AKI	
	Examiner	Art Unit	
	Charles R Craver	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan et al, US Pat 5,704,094 in view of Go, of record.

Hartigan discloses a portable phone (100) with a flip (116) rotatable from an opened position to a closed position so as to cover an operable portion on the body (FIG 1) including an open and closed bias force to bias the flip in an opened or closed position and rotated through a predetermined distance (col 2 line 45-col 3 line 21), the biasing means being provided in a hinge portion between the flip and the body (102), comprising a shaft (114) with a first cam (220), and a bearing member (201) with a second cam (205) for coming into pressing contact with the first cam, which generates said biasing force to keep the flip biased in an opened or closed position when the first and second cams are rotated relative to each other (col 3 line 22-col 4 line 32), wherein a contact portion between the first and second cam is metallized (col 3 lines 48-63).

Hartigan fails to state that the second cam is concave/convex as well, creating a concave/convex pressing contact.

Go discloses a similar device, a portable phone (300) with a flip (200) rotatable from an opened position to a closed position so as to cover an operable portion on the phone body (FIG 1) including an open and closed bias force to bias the flip in an opened or closed position and rotated through a predetermined distance (col 2 line 67-col 3 line 2), the biasing means being provided in a hinge portion between the flip and the body (50), comprising a shaft (80) with a first cam (52), and a bearing member (30) with a second cam (40) for coming into concave/convex pressing contact with the first cam (col 2 line 56-col 3 line 20), which generates said biasing force to keep the flip biased in an opened or closed position when the first and second cams are rotated relative to each other (col 2 line 67-col 3 line 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the concave/convex second cam of Go in Hartigan, as Hartigan discloses a concave first cam, and such would allow a full-contact for better biasing.

Further regarding claim 2, Hartigan fails to claim that the first and second cams are made of a synthetic resin, however, the use of such a material was notoriously well-known in the art at the time of the invention, and as such the examiner takes Official Notice of such a feature, asserting that it would have been obvious to one of ordinary skill in the art at the time of the invention to use such a material as it would have been a routine engineering decision based on the amount of wear tolerance needed in the hinge mechanism.

Art Unit: 2682

***Response to Arguments***

Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Plaza II, 200 South 20<sup>th</sup> St, Arlington VA, first floor (receptionist).

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.


If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

January 24, 2005

  
CHARLES CRAVER  
PRIMARY EXAMINER